REGULATION No. XIX OF 1923.

(Passed on the 27th day of October 1923.)

THE MYSORE LEGISLATIVE COUNCIL REGULATION.

Preamble.

WHEREAS His Highness the Maharaja has been pleased under a Proclamation issued on the twenty-seventh day of October 1923, to ordain that the Legislative Council shall be invested with enlarged powers and functions, and

Whereas it is expedient to make due provision for this and for other purposes,—

His Highness the Maharaja is pleased to enact as follows:—

Short title.

1. (1) This Regulation may be called the Mysore Legislative Council Regulation, 1923.

Commencement.

(2) It shall come into force from the date of its publication in the official gazette.

Regulations repealed.

2. The enactments mentioned in the first schedule hereto are hereby repealed.

But all acts done, orders and notifications issued and proceedings held under these enactments shall be deemed to have been done, issued and held under this Regulation.

Definitions.

3. In this Regulation, unless there be something repugnant in the subject or context,—

(i) "Council" means the Mysore Legislative Council.

(ii) "Office" includes place and employment.

(iii) The expressions "official" and "non-official" where used in relation to any person shall mean respectively a person who is or is not in the civil or military service of the Government.

Provided that rules made under this Regulation may provide for the holders of such offices as may be specified in the rules being deemed to be non-officials for all or any of the purposes of this Regulation.

Composition of the Legislative Council.

4. (1) There shall be a Legislative Council for Mysore consisting of a President, *ex officio* members and additional members, elected or nominated in accordance with the rules made under this Regulation.

(2) The Dewan shall *ex officio* be the President of the Council, and the Members of the Council of His Highness the Maharaja shall *ex officio* be members thereof.

(3) Exclusive of the Dewan and the *ex officio* members, the total strength of the Council shall be fifty. Not less than 60 per cent of this number shall consist of non-official members, and the remainder of official members, nominated by the Government. Not less than two-thirds of the non-official members shall be elected by the Mysore Representative Assembly and by the urban, rural and non-territorial constituencies specified in the second schedule hereto, and the remainder shall be nominated by the Government for the representation of special interests and minorities or for any other cause.

Provided that—

(i) the number of members to be returned by the Mysore Representative Assembly by election shall be eight;

(ii) in the case of any of the special interests mentioned in the second schedule, in the absence of election by a constituency recognised by the Government, the Government may nominate a member to represent such special interest.

Provided further that the Government may, for the purpose of any Bill introduced or proposed to be introduced in the Council, nominate, in addition to the number fixed as aforesaid, not more than two persons having special knowledge or experience of the subject matter of the Bill, and such persons, shall, in relation to the Bill, and for the period for which they are nominated, have and exercise all the rights and privileges of members of the Council.

Duration of the Council.

5. Every Council constituted under Section 4 shall continue for three years from the date of its first meeting.

(i) Provided that the said term may, by notification in the official gazette, be extended by the Government by a period not exceeding one year.

(ii) After the dissolution of the Council, the Government shall appoint a date not more than six months from the date of dissolution for the next session of the Council.

Supplementary provisions.

6. (1) The Government shall have power, from time to time, to make rules not inconsistent with this Regulation, to carry out all or any of the purposes of this Regulation.

(2) Such rules may, among other things, provide for the following matters, namely :—

(*a*) the distribution of seats on the Council between official and non-official and elected and nominated members;

(*b*) the manner of filling casual vacancies occurring by reason of absence from Mysore, inability to attend to duty, death, acceptance of office or resignation duly accepted, or otherwise;

(*c*) the conditions under which and the manner in which persons may be nominated as members of the Council;

(*d*) the qualification of electors, the constitution of constituencies, the number of members to be returned by each constituency, the method of election and any matter incidental or ancillary thereto;

(*e*) the qualification for being, and for being nominated or elected as a member of the Council; and

(*f*) the final decision of doubts or disputes as to the validity of any elections and the courts or other authorities by which they are to be decided.

Dewan to appoint time and place of meeting.

7. (1) The Council shall assemble at such times and places as the Dewan may appoint.

(2) In the absence of the President, the Senior *ex officio* Member present or, if there be only one *ex officio* Member present, then such Member, shall preside at the meetings of the Council, and the powers vested in the Council shall be exercised only at the meetings of the Council at which the President or some one of the *ex officio* members and not less than one-half of the total number of members of the Council shall be present.

Quorum.

Casting vote.

(3) All questions before the Council shall be determined by a majority of votes of the members present and voting, including the Dewan or *ex officio* Member presiding. In every case of difference of opinion at a meeting of the Council, whenever there shall be an equality of votes, the Dewan or *ex officio* Member presiding shall have a second or casting vote.

(4) Any meeting of the Council may be adjourned by the Dewan or *ex officio* Member presiding.

Standing orders for conduct of business.

8. (1) It shall be lawful for the Council to make, from time to time, standing orders for the conduct of business and the procedure to be followed in the Council in so far as these matters are not provided for by rules made under this Regulation, and so as not to be inconsistent with such rules. The first standing orders shall be made by the Government but they may be altered by the Council subject to the assent of the Government.

(2) Any standing order made as aforesaid which is repugnant to the provisions of any rules made under this Regulation shall, to the extent of such repugnancy but not otherwise, be void.

Powers of legislation.

9. Subject to the provisions of this Regulation, the Council shall have the power of making laws and Regulations.

(i) Provided that no measure of any description shall be introduced into the Council without the previous sanction in writing of the Dewan.

(ii) Provided further that it shall not be lawful for the Council to consider any measure relating to or affecting—

(*a*) the Ruling Family of Mysore;

(*b*) the relations of His Highness the Maharaja with the Paramount Power or with foreign Princes or States;

(*c*) Matters governed by treaties or conventions or agreements now in force or hereafter to be made by His Highness the Maharaja with the Paramount Power;

(*d*) the provisions of this Regulation;

(*e*) the provisions of the Mysore Representative Assembly Regulation No. XVIII 1923; or

(*f*) such other matters as may, from time to time, be specially reserved by His Highness the Maharaja for consideration by the Government.

Regulation in matters outside the jurisdiction of Council.

10. In respect of matters excluded from the cognisance of the Council under the second proviso of Section 9 of this Regulation, the Government may frame any measure required and every such measure, if assented to by His Highness the Maharaja, shall have the force of law.

Assent of His Highness the Maharaja necessary to validity of law.

11. When any Bill has been passed by the Council it shall be submitted to His Highness the Maharaja through the Dewan for assent. No such Bill shall become law until it receives the assent of His Highness the Maharaja.

Emergent Regulation.

12. Notwithstanding anything contained in this Regulation, it shall be lawful for the Government to frame any Bill in cases other than those falling under Section 10 of this Regulation in which legislation is emergently required, and every such Bill, if assented to by His Highness the Maharaja, shall have the same force as a Regulation passed through the Council for the space of six months from its promulgation in the official gazette.

Voting on the Budget.

13. The estimated annual expenditure and revenue of the State shall be laid in the form of a statement before the Council in each year, and the proposals of the Government for the appropriation of revenues and other moneys in any year shall be submitted to the vote of the Council in the form of demands for grants. The Council may assent, or refuse to assent, to a demand, or reduce the amount therein referred to either by a reduction of the whole grant or by the omission or reduction of any of the items of expenditure of which the grant is composed:

Provided as follows:—

(*a*) The Government shall have power, in relation to any such demand, to act as if it had been assented to notwithstanding the withholding of such assent or the reduction of the amount therein referred to, if the Government considers that the expenditure provided for by the demand is necessary for the carrying on of any department or for the discharge of Government's responsibility.

(*b*) The Government shall have power in cases of emergency to authorise such expenditure as may, in its opinion, be necessary for the safety or tranquillity of the State or any part thereof, or for the discharge of Government's responsibility.

(2) The proposals of the Government for the appropriation of revenues and other moneys for expenditure on the following heads shall not be submitted to the vote of the Council, nor shall they be open to discussion by the Council:—

(i) The Palace including the staff and household of His Highness the Maharaja;

(ii) The Military forces of His Highness the Maharaja;

(iii) The pensions of public servants;

(iv) Expenditure—

(a) on matters pertaining to or affecting the relations of His Highness the Maharaja with the Paramount Power or with other States; and

(b) matters governed by treaties or conventions or agreements now in force or hereafter to be made by His Highness the Maharaja with the Paramount Power;

(v) Interest on loans and charges on account of sinking funds guaranteed at the time of raising the loans;

(vi) Expenditure of which the amount is prescribed by or under any law.

If any question arises whether any proposed appropriation of moneys does or does not relate to the above heads of expenditure, the decision of the Dewan or *ex officio* Member presiding at a meeting shall be final.

Asking of questions and moving of resolutions.

14. Subject to such conditions and restrictions as to subject and other matters as may be imposed by Government by rules framed under this Regulation, any member may

(1) ask questions; and

(2) move resolutions.

Saving clause.

15. No law passed under the authority of this Regulation shall be deemed invalid by reason that the requisite proportion of non-official members was not complete at the time of its consideration at any stage in the Council.

Prerogative of His Highness.

16. Nothing contained in this Regulation shall affect or be deemed to have affected the prerogative right of His Highness the Maharaja to make and pass Regulations independently of the Council, which right is hereby declared to be and to have been always possessed and retained by His Highness.

A. R. BANERJI,
Dewan.